

Westmorland and Furness Council

MADE ALLITHWAITE AND CARTMEL NEIGHBOURHOOD DEVELOPMENT PLAN

Regulation 19 (Final) Decision Statement

Published pursuant to Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the The Neighbourhood Planning (General) Regulations 2012 (as amended)

Summary

1. This document is the Decision Statement required to be prepared under Section 38A (9) of the Neighbourhood Planning (General) regulations 2012 (as amended). It sets out Westmorland and Furness Council's (the 'Council's') considerations and formal decision in bringing the Allithwaite and Cartmel Neighbourhood Development Plan into legal force.
2. Following an independent examination and positive referendum result, held on 29th February 2024, the Council decided to make the Allithwaite and Cartmel Neighbourhood Development Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended).

Background

3. On 28 January 2015, South Lakeland District Council (SLDC) (the local planning authority for the area until 1 April 2023) formally designated the area of Allithwaite and Cartmel Parish (formerly Lower Allithwaite Parish) as the Allithwaite and Cartmel Neighbourhood Area.
4. Allithwaite and Cartmel Parish Council (ACPC) consulted on the draft plan between September and October 2021. The draft Plan was submitted to SLDC in November 2022.
5. Following the submission of the Draft Plan to SLDC, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended), the Plan was publicised and representations were invited. The publicity period ran for a period of six weeks between 2 February 2023 and 16 March 2023.
6. The Council appointed an independent Examiner, John Mattocks, BSc, DipTP, MRTPI, FRGS to examine whether the Plan met the 'basic conditions' as set out in Schedule 4B to the Town and Country Planning Act 1990, and whether the Plan should proceed to a referendum.
7. The independent examination was held from May to July 2023. The examination was carried out through written representations. The Examiner's Final Report was received by the Council on 14 July 2023 and recommended a series of modifications to the Plan including the deletion of three policies (Policies AC7, AC9 and AC10). These recommendations were made by the Examiner to ensure the Plan complies with the basic conditions and other relevant statutory provisions, and so that the draft Plan, as modified, can be submitted for referendum. It concludes by stating:

“I conclude that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 (as amended), does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights”.

8. The Examiner’s report includes two recommendations, the first being *“I recommend that the modifications recommended in this report be made to the Allithwaite and Cartmel Neighbourhood Development Plan 2022-2032 and that the draft plan as modified be submitted to a referendum.”* The second recommendation relates to the referendum area, the report states *“the referendum area should not be extended beyond that of the neighbourhood area.”*
9. The Parish Council made the recommended modifications to the Plan. The Council accepted that the modifications recommended in the Examiner’s Report were necessary for the Plan to meet the basic conditions and subject to these amendments the Plan should proceed to Referendum.
10. A local referendum was held in Allithwaite and Cartmel Parish on 29th February 2024 to decide whether the local community were in favour of the Plan. From the votes recorded, 259 of the 314 votes (82%) received were in favour of the Plan. The turnout of electors was 20.63%.

The Council’s Decision and Reasons

11. The Council decided by resolution of Cabinet on 30th April 2024 to ‘make’ the Allithwaite and Cartmel Neighbourhood Development Plan as part of the Development Plan in accordance with Section 38A (4) of the Planning and Compulsory Act 2004 (as amended) requires that the Council must ‘make’ the Plan if more than half of those voting in the Referendum have voted in favour of the Plan.
12. The Council has assessed the Plan and concluded that the Plan, including its preparation, is compatible with EU obligation and the Convention Rights (within the meaning of the Human Rights Act 1998) and complies with the relevant provisions within the Planning and Compulsory Purchase Act 2004 (as amended).
13. The ‘made’ (adopted) version of the Allithwaite and Cartmel Neighbourhood Development Plan (as approved by Cabinet) was published on the Council’s website, alongside this Allithwaite and Cartmel Neighbourhood Development Plan Decision Statement, on 15 May 2024.
14. The Decision Statement, the ‘made’ Allithwaite and Cartmel Neighbourhood Development Plan and the supporting Allithwaite and Cartmel Design Code and Examiner’s Final Report can be viewed on the Council’s website at <https://www.southlakeland.gov.uk/allithwaite-cartmel-np>
15. The documents are also available for inspection at the following locations during normal opening/visiting hours:
 - Kendal Town Hall, Lowther Street, Kendal, LA9 4DQ
 - Kendal Library, Stricklandgate, Kendal, LA9 4PY

- Grange-over-Sands Library, Grange Fell Road, Grange-over-Sands, LA11 6BQ
 - Cartmel Village Hall, The Square, Cartmel, LA11 6QB
 - Allithwaite Community Centre, Quarry Lane, Allithwaite, LA11 7QJ
 - Cartmel Priory, Cartmel, LA11 6DQ
 - St Mary's Church, Church Road, Allithwaite, LA11 7QR
16. A written notice of this decision statement will also be sent to Allithwaite and Cartmel Parish Council and any person who asked to be notified of the decision, along with people or groups who were previously consulted at regulation 16 stage and who made representations submitted to the Examiner.
17. For more information please contact the Planning Policy Team on 0300 373 3300 or email: Planningpolicy3@westmorlandandfurness.gov.uk

Dated: 30th April 2024